1 UNITED STATES DISTRICT COURT 2 DISTRICT OF NEVADA 3 JAMES MCDANIEL, Case No. 3:19-cv-00101-RCJ-WGC 4 **Plaintiff** ORDER 5 ٧. 6 JAMES DZURENDA, 7 Defendant 8 I. DISCUSSION 9 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections 10 ("NDOC"), has submitted a blank 42 U.S.C. § 1983 complaint form and has not filed an 11 application to proceed in forma pauperis in this matter. (ECF Nos. 1, 1-1). Additionally, 12 Plaintiff has filed a one-sentence motion for appointment of counsel (ECF No. 1-2) which 13 14 is difficult to read. Under Federal Rule of Civil Procedure 3, "[a] civil action is commenced by filing a 15 complaint with the court." Fed. R. Civ. P. 3. As such, the Court grants Plaintiff thirty (30) 16 17 days from the date of this order to submit a complaint to this Court. Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an 18 application to proceed in forma pauperis and attach both an inmate account statement 19 for the past six months and a properly executed financial certificate. Plaintiff will be 20 21 granted an opportunity to file an application to proceed in forma pauperis, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses to file an application 22 to proceed in forma pauperis he must file a fully complete application to proceed in forma 23 pauperis. 24 The Court denies Plaintiff's motion for appointment of counsel (ECF No. 1-2) 25 without prejudice at this time. If Plaintiff seeks to file a motion for appointment of counsel, 26

he should detail the reasons why he seeks counsel.

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II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that within thirty (30) days from the date of this order, Plaintiff must either: (1) file a fully complete application to proceed *in forma pauperis*, on the correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50 administrative fee).

IT IS FURTHER ORDERED that Plaintiff will submit a complaint to this Court within thirty (30) days from the date of this order.

IT IS FURTHER ORDERED that the motion for appointment of counsel (ECF No. 1-2) is denied without prejudice.

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

Witten States MAGISTRATE III

DATED: February 22, 2019.

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